



Legislation Text

File #: 20-662, Version: 1

Memorandum

Date: August 11, 2020

To: The Honorable Moke Simon, Chair, Lake County Board of Supervisors

From: Scott De Leon, Community Development Director
Tocarra Thomas, Deputy Community Development Director
Andrew Williams, Code Enforcement Manager
Michael Herringshaw, Code Enforcement Officer

Subject: Nuisance Abatement Hearing for Ryker Schenck, 2922 Gardner St. Nice (APN No. 031-134-57)

Exhibits: 1. Photos
2. Notice of Nuisance & Order to Abate
3. Grant Deed
4. Hearing Request and Streambed Alteration Agreement

Property Description:

Property Owner: Ryker Schenck
Location: 2922 Gardner Street, Nice, CA
APN: 031-134-57
Zoning: R-1
Case No.: ENF19-00030

Executive Summary: (include fiscal and staffing impact narrative):

The investigation was based on numerous complaints received from the public alleging persons occupying a van on a vacant lot and storage of items such as junk, debris, and inoperable vehicles. (**See Exhibit #1 - Photos**) The investigation substantiated violations of the Zoning Ordinance which resulted in the issuance of a Notice of Nuisance and Order to Abate (NON/OTA). The property owner Ryker Schenck (Schenck) submitted a signed "Nuisance Abatement Hearing Request Form" requesting a hearing. (**See Exhibit #2 - Nuisance Abatement Hearing Request Form**)

VIOLATIONS:

County of Lake Code of Ordinances Chapter 21, Section 41.12 - Open & Outdoor Storage

FACTS:

On 10/20/2015, a Grant Deed was recorded reflecting Schenck on title for the subject property.
(See Exhibit #3 - Grant Deed)

2922 Gardner Road is a vacant lot zoned "R1" Single-Family Residential. No dwelling meeting minimum construction standards exists on the property. The primary use of the property has not been met. Open and Outdoor Storage is a performance standard subordinate to the primary use. Therefore by not first meeting the primary use of the property, the subordinate use of Open and Outdoor Storage cannot exist on the property.

On 02/14/2019, Code Enforcement Supervisor Kathy Freeman (retired) determined the property was in violation and issued a NON/OTA.

On 03/04/2019 Schenck filed and submitted a signed "Nuisance Abatement Hearing Request Form" requesting a hearing.

From 02/20/2020 - 03/16/2020 I made several site visits at the property and determined the violations in the NON/OTA continued to persist on the property.

Note: Schenck's basis for the appeal is that the Streambed Alteration Agreement between Schenck and the Department of Fish and Wildlife (Permit No. 1600-2018-0308-R2) "collaterally estops" a code enforcement abatement action. A copy of the agreement was obtained and there was no language contained in the agreement that "estops" a code enforcement action. The Department of Fish and wildlife was contacted and verified that the agreement does not stop code enforcement from taking an action against the property.

If not budgeted, fill in the blanks below only:

Estimated Cost: N/A Amount Budgeted: N/A Additional Requested: N/A Future Annual Cost: N/A

Consistency with Vision 2028 and/or Fiscal Crisis Management Plan (check all that apply):

- | | | | |
|---|--|---|--|
| <input checked="" type="checkbox"/> Well-being of Residents | <input checked="" type="checkbox"/> Public Safety | <input type="checkbox"/> Infrastructure | <input type="checkbox"/> Not applicable |
| <input type="checkbox"/> Economic Development | <input type="checkbox"/> Disaster Recovery | <input type="checkbox"/> County Workforce | <input type="checkbox"/> Technology Upgrades |
| <input checked="" type="checkbox"/> Community Collaboration | <input type="checkbox"/> Business Process Efficiency | <input type="checkbox"/> Clear Lake | <input type="checkbox"/> Revenue Generation |
| | | | <input type="checkbox"/> Cost Savings |

If request for exemption from competitive bid in accordance with County Code Chapter 2 Sec. 2-38, fill in blanks below:

Which exemption is being requested?
How long has Agreement been in place?
When was purchase last rebid?
Reason for request to waive bid?

Recommended Action:

The Code Enforcement Staff recommends that the NON/OTA dated 02/14/2019 be upheld and authorize staff to move forward with obtaining a warrant and pursuing an abatement action to remove the trash, junk, debris, and other storage items from the subject property.